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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

HOLLY GEHL, et al others similarly
situated,

Plaintiffs,

vs.

BLOOMIN' BRANDS, INC., et al.,

Defendants

Case No. 4:13-cv-05961-KAW

[Judge Kandis A. Westmore]

**STIPULATION RE NOTICE
PROCEDURE REGARDING
DISCLOSURE OF PUTATIVE CLASS
MEMBERS' CONTACT
INFORMATION; [~~PROPOSED~~]
ORDER**

1 The parties to the above-captioned action, through their attorneys of record,
2 hereby stipulate and agree as follows:

3 WHEREAS, this action is a putative class action brought by the named
4 plaintiffs on behalf of themselves and all current and former hourly, non-exempt
5 employees employed by defendants at an "Outback Steakhouse" Restaurant in
6 California, at any time during the statutory time period;

7 WHEREAS, plaintiff Chris Armenta has served discovery on all defendants
8 requesting, among other things, that defendants disclose the identities of, and
9 contact information for, each non-exempt employee who has been employed at any
10 CALIFORNIA OUTBACK RESTAURANT from November 8, 2010 until the
11 present time;

12 WHEREAS, defendants T-BIRD RESTAURANT GROUP, INC. and
13 T-BIRD NEVADA, LLC (collectively, the "T-Bird Defendants") have contended
14 that providing such information could violate the privacy rights of their current and
15 former employees;

16 WHEREAS, plaintiffs believe they are entitled to contact information
17 regarding all members of the proposed class, the T-Bird Defendants have
18 maintained that they are only obligated to provide such information regarding
19 employees who work or have worked at the particular CALIFORNIA OUTBACK
20 RESTAURANTS where the class representatives have worked;

21 WHEREAS, defendants BLOOMIN' BRANDS, INC., OSI RESTAURANT
22 PARTNERS, LLC, and OS RESTAURANT SERVICES, LLC have represented that
23 they do not have the requested contact information and have represented that they
24 do not believe that they are the appropriate parties to participate in the opt-out notice
25 procedure described herein;

26 WHEREAS, plaintiffs and the T-Bird Defendants have previously stipulated
27 to utilize the procedure set forth in *Belaire-West Landscape, Inc. v. Superior Court*,
28 149 Cal.App.4th 554 (2007), pursuant to which plaintiffs are being provided the

1 contact information of the putative class members for only the Fremont, Mission
 2 Valley and Moreno Valley CALIFORNIA OUTBACK RESTAURANTS, and for
 3 any other restaurants where a prospective class representative has worked, if such
 4 putative class members did not object to the disclosure of such information to
 5 plaintiffs' counsel;

6 WHEREAS, the Court's August 6, 2014, discovery Order encouraged plaintiffs
 7 and the T-Bird Defendants to stipulate to production of contact information for all
 8 putative class members at all CALIFORNIA OUTBACK RESTAURANTS in
 9 accordance to the previously agreed upon *Belaire-West Landscape, Inc. v. Superior*
 10 *Court*, 149 Cal.App.4th 554 (2007) procedure.

11
 12 THEREFORE, IN LIGHT OF THE FOREGOING, PLAINTIFFS AND THE
 13 T-BIRD DEFENDANTS HEREBY STIPULATE AND AGREE THAT:

14 1. On or before September 5, 2014, the T-Bird Defendants will provide
 15 plaintiffs' counsel with the name of each non-exempt employee who has been
 16 employed at any CALIFORNIA OUTBACK RESTAURANT from November 8,
 17 2010 until the present time (the "Statutory Period"), along with their locations of
 18 employment, as has been requested, in part, by plaintiff Chris Armenta's
 19 interrogatories to the defendants.

20 2. On or before September 5, 2014, the T-Bird Defendants shall provide
 21 the last known physical address; the email addresses, to the extent that the T-Bird
 22 Defendants has any email addresses; telephone numbers; dates of employment;
 23 positions of employment for each time period; and location of employment for each
 24 time period of all non-exempt employees identified pursuant to Paragraph 1, above,
 25 to a third-party administrator to be agreed-upon by the parties ("TPA"). Within ten
 26 days of receipt of such information, the TPA will send to all identified individuals
 27 by United States mail, and email where email addresses are available, the notice
 28 attached as Exhibit 1 to this Stipulation.

3. Within forty-five days after mailing such notices, but not before thirty days after mailing such notices, the TPA shall provide plaintiffs' counsel with the last known physical addresses; the email addresses, to the extent that the T-Bird Defendants has any email addresses; telephone numbers; dates of employment; positions of employment for each time period; and location of employment for each time period of each of the current or former employees previously identified pursuant to paragraphs 1 and 2, above, except for those persons who have informed the TPA that they object to the disclosure of such information.

4. The plaintiffs and T-Bird Restaurant Group, Inc. have agreed to evenly share the cost of the TPA notice expense.

IT IS SO STIPULATED

DATED: August 21, 2014

WOLF, RIFKIN, SHAPIRO,
SCHULMAN & RABKIN, LLP

By: /s/ Eric Levinrad
ERIC LEVINRAD
Attorneys for Attorneys for Plaintiffs

DATED: August 21, 2014

LATHROP & GAGE, LLP

By: /s/ Beth Schroeder
BETH SCHROEDER
LAUREN KATUNICH
ALLISON WALLIN (Admitted *Pro Hac Vice*)
Attorneys for Defendants T-BIRD RESTAURANT
GROUP, INC. and T-BIRD NEVADA, LLC

ORDER

In light of the stipulation by and between plaintiffs and defendants T-BIRD RESTAURANT GROUP, INC. and T-BIRD NEVADA, LLC (collectively, the “T-Bird Defendants”), and for good cause shown, IT IS HEREBY ORDERED THAT:

1. On or before September 5, 2014, the T-Bird Defendants will provide plaintiffs’ counsel with the name of each non-exempt employee who has been employed at any CALIFORNIA OUTBACK STEAKHOUSE RESTAURANTS from November 8, 2010 until the present time (the “Statutory Period”), along with their locations of employment, as has been requested, in part, by plaintiff Chris Armenta’s interrogatories to the defendants.

2. On or before September 5, 2014, the T-Bird Defendants shall provide the last known physical addresses; the email addresses, telephone numbers, dates of employment, positions of employment for each time period, and location of employment for each time period of all non-exempt employees identified pursuant to Paragraph 1, above, to a third-party administrator to be agreed-upon by the parties (“TPA”). Within ten days of receipt of such information, the TPA will send to all identified individuals by United States mail, and email where email addresses are available, the notice attached as Exhibit 1 to this Stipulation.

3. Within forty-five days after mailing such notices, but not before thirty days after mailing such notices, the TPA shall provide plaintiffs’ counsel with the last known physical and email addresses, telephone numbers, dates of employment, positions of employment for each time period, and location of employment for each time period of each of the current or former employees previously identified pursuant to paragraphs 1 and 2, above, except for those persons who have informed the TPA that they object to the disclosure of such information.

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1 4. The plaintiffs and T-Bird Restaurant Group, Inc. shall evenly share the
2 cost of the TPA notice expense.

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4 Dated: 8/25/14

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6 HON. KANDIS A. WESTMORE
7 UNITED STATES MAGISTRATE JUDGE
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